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California Regional Water Quality Control Board

Los Angeles Region

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Pete Wilson
Governor

Los Angeles Regional Water Quality Control Board

Minutes of the June 15, 1998 Special Board Meeting Simi Valley Council Chambers 2929 Tapo Canyon Boulevard Simi Valley

INTRODUCTION

1. The meeting was called to order by Chairman Slezak at 9:02 a.m.

Board Members Present

Jack Coe, Charlotte Craven, Marilyn Lyon, Charles Milam, Hamid Nahai, Beth Rogers, John Slezak

Board Members Absent

Michael Keston

Staff Present

Dennis Dickerson, Jorge Leon, Robyn Shipley, Dennis Dasker, James Kuykendall, Debbie Smith, Winnie Jesena, Wendy Phillips, Alex Fu, Mark Smythe, Jon Bishop, Arthur Heath

Others Present

Mark Gold, Heal the Bay
Jacqueline Lambrichts, Friends of LA River
Steve Fleishli, Heal the Bay
Lucy Jao, City of Los Angeles
Jim Langley, City of Los Angeles
Bob Birk, City of Los Angeles
Doug Meyer, City of Los Angeles
Joe Young, LACDPW
Jaque Forrest, Heal the Bay
James Couran, OCSD
Teresa Jordan, Simi Valley Resident
Susan Chang, City of Los Angeles
Jeff Bouse, LACDPW

Margie Nellor, LACSD
Vicki Conway, LACSD
Peter Thams, West Coast Environmental
Soubuz Ikbai, City of Los Angeles
Lucia McGovern, West Basin MWD
Bill Gibson, CSULB
Dr. Tam, Environmental Exchange
Program, Hong Kong

California Environmental Protection Agency



Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.

Pledge of Allegiance.

1. Roll Call.

A roll call was taken with all members present except for Michael Keston who was absent. Mr. Slezak welcomed Marilyn Lyon, who returned to the Board following her reappointment as a member.

2. Order of Agenda.

Dennis Dickerson recommended postponing item 6 (Administrative Civil Liability (ACL) complaint Against the City of Thousand Oaks) due to the City's request to extend the hearing until a future meeting.

Jeff Denzer, legal counsel for the City addressed the Board asking for an extension to hear this matter at the regularly scheduled August 3, 1998 Board meeting. He also asked that the hearing be considered in two segments: 1) for the testimony on the question of the City's liability; 2) to consider the appropriate penalty of the ACL if the City is found to be liable.

After discussion of the Board, a motion was made to schedule the hearing for the August 3, 1998 Regular Board meeting. Mr. Coe informed the Board that he would abstain from voting on this matter and will not be present during the public hearing portion of the meeting.

MOTION: By Mr. Milam, seconded by Ms. Craven, and approved on a voice vote.

3. Uncontested Items Calendar.

There were no uncontested items considered at this meeting.

PUBLIC FORUM

4. Public Forum.

Mark Gold, Heal the Bay, addressed the Board regarding TMDL issues and expressed his concerns for the lack of response from various environmental agencies regarding TMDLs.

Nick Quidwai, Concerned Citizens for City of Thousand Oaks, addressed the Board expressing his concern regarding the ACL issued to the City. He stated that the individuals responsible for the sewage spill should also be held liable. He informed the Board that he will give testimony at the August 3, 1998 regular board meeting regarding this issue.

WASTE DISCHARGE REQUIREMENTS

Los Angeles River Watershed

5.1 Staff Report on the Upper Los Angeles River Watershed.

Staff member Ana Corado gave a presentation to the Board outlining the Upper Los Angeles River Watershed.

Public Hearing for Consideration of NPDES Requirements for the City of Los Angeles.

5.2 Donald C. Tillman Water Reclamation Plant.

5.3 Los Angeles-Glendale Water Reclamation Plant

The Chairman opened the public hearing and the Executive Assistant read the opening statement. Dennis Dasker gave a presentation to the Board recommending they adopt the permits. The following persons testified before the Board:

1. Judith Wilson, Director, City of Los Angeles Bureau of Sanitation
2. Kelly Martin, Deputy Mayor, City of Los Angeles
3. Mark Gold, Heal the Bay
4. Jacqueline Lambrichts, Friends of Los Angeles River

The Board paused at 10:30 a.m. for a 15 minute recess. The meeting reconvened at 10:45 a.m.

Judith Wilson presented the dischargers final remarks. Dennis Dickerson presented his final comments. Dennis Dasker answered questions of the Board. Debbie Smith summarized staff comments and recommended the Board adopt the permits and include recommended interim limits and proposed time schedule order. The public hearing was closed.

After discussion of the Board, there was a motion to adopt the tentative permits as amended by the submitted change sheet, and to allow a reopening of this hearing when new information becomes available to add required phosphate levels and other issues as appropriate.

MOTION By Mr. Nahai, seconded by Ms. Lyon, and adopted on a voice vote.

The Board paused for a closed lunch session at 12:30 p.m. The meeting reconvened at 1:20 p.m.

7. Consideration of Proposed 1998 Priority List for the State Revolving Fund (SRF) Loan Program.

Mr. Slezak did not participate during this item. Jorge Leon, Legal Counsel for the Board informed the Board that although this item was heard and adopted at the May 18, 1998 Regular Board Meeting, it was necessary to revote on the item because there was not a sufficient quorum on May 18 due to Mr. Slezak's abstained vote. Jorge informed the Board that the item has not been modified and recommended the readoption of this item.

MOTION: By Mr. Coe, seconded by Mr. Milam, and approved on a voice vote. Mr. Slezak abstained from voting.

Other Business

8. Regional Board Direction to Staff on Settlement Agreements.

Dennis Dickerson gave a presentation to the Board outlining the current procedures being utilized by staff for Settlement Agreements and asked the Board for direction in handling future Regional Board Settlement Agreements.

Jorge Leon asked that the Board consider implementing the solutions listed on a Discussion Paper Amending Enforcement Actions prepared by member Jack Coe. After discussion of the Board, staff was directed to implement the following solutions:

- ◆ *Generally avoid signing agreements which prevent us from exercising our authority granted by federal and state laws and regulations;*
- ◆ *Carefully evaluate what we gain and lose under a proposed agreement in terms of improving water quality;*
- ◆ *Expenditure of resources needed to defend ourselves in law suits and appeals to the State Board, while a consideration, should not be the overriding justification for relaxation of requirements in enforcement documents;*
- ◆ *All written agreements should be personally reviewed and approved by the Board Chair (Board Vice Chair in the Chair's absence).*
- ◆ *All agreements should be signed by the Executive Officer (not delegated) and signed or initialed by the Staff Counsel certifying as to "legal sufficiency".*

Information Items

9. Watershed Management Grant Program.

Staff member Mark Smythe gave a presentation to the Board updating them on staff's review of this year's watershed grant applications and summarized the projects staff plans to recommend to the State Board and U.S. EPA for funding.

The Board suggested including ranking criteria for all future grant programs and submit the criteria as part of the Board agenda package in order to allow the Board an opportunity to give comments regarding this matter.

10. Update of San Fernando and San Gabriel Cleanup Programs.

Staff member Arthur Heath gave a presentation to the Board updating them on the status of the programs and cleanup efforts.

11. Board Member Communications

Ms. Craven recommended staff send a letter to the City of Simi Valley thanking them for the use of their facilities.

Mr. Milam asked that the Board' and staff consider holding future regular board meetings in the afternoon or evenings rather than the current time which are always during regular business hours.

Mr. Slezak updated the Board on the issues discussed at the Chair's meeting in Sacramento on May 27, 1998. He reminded the Board that the Annual Executive Officer Performance Evaluation will be held over until the August 3, 1998 closed session.

12. Report of Cost Benefit Task Committee.

Committee member Rogers gave a progress report during the public forum period of this meeting.

13. Closed Session.

There was a closed lunch session.

14. Adjournment at 3:15 p.m. to the Regular Board meeting of June 29, 1998 at 9:00 a.m., City of Pasadena, U.S. Court of Appeals Building, 125 S. Grand Avenue, Pasadena.

MOTION: By Ms. Craven, seconded by Mr. Milam and approved on a voice vote.